

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Gregory Vincent Smith,

Plaintiff,

v.

Christopher D. Phillips; Dexter Handy,  
Brett Perry; William S. Tetterton,

Defendants.

C/A No. 3:19-0652- JFA-SVH

**ORDER**

Plaintiff Gregory Vincent Smith proceeding *pro se* and *in forma pauperis* has filed a motion for a temporary restraining order (“TRO”) pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. (ECF No. 16). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and opines that this Court should deny the motion for a TRO. (ECF No. 17). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

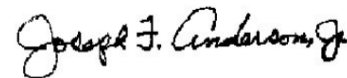
Plaintiff was advised of his right to object to the Report, which was entered on the docket on March 27, 2019. (ECF No. 17). The Magistrate Judge required Plaintiff to file objections by April 10, 2019. *Id.* Plaintiff did not file any objections, but did file a “motion to dismiss” on April 5, 2019, wherein he moved “to dismiss the TRO motion.” (ECF No. 20). Accordingly, Plaintiff apparently desires to voluntarily withdraw his motion.

In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Here, Plaintiff does not object to the Report, but instead advocates for its ultimate recommendation which is a denial of the motion for TRO.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 17). Thus, Plaintiff’s motion for TRO is denied.

IT IS SO ORDERED.

October 8, 2019  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge